

1 **PRELIMINARY STATEMENT**

2 1. This is a civil action against the City of Seattle and individual police officers
3 employed by the Seattle Police Department, for violating Paul Novasky's civil and
4 constitutional rights by subjecting him to unreasonable and excessive force on May 1, 2013
5 and causing him to suffer pain and suffering.

6 **JURISDICTION AND VENUE**

7
8 2. This Court has original jurisdiction over the plaintiff's civil rights claims under
9 42 U.S.C. § 1983, pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil
10 rights). This Court has supplemental jurisdiction over the plaintiff's related state law claims
11 pursuant to 28 U.S.C. § 1367(a).

12 3. Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b) because all of
13 the events that support the plaintiff's allegations occurred in this judicial district and because
14 the defendants reside in this judicial district.

15 **PARTIES**

16 4. Plaintiff Novasky is a resident of King County, Washington.

17
18 5. Defendant Adam C. Clinton is an individual residing in this jurisdiction. At all
19 times relevant hereto were acting in the scope and course of their employment as police
20 officers with the Seattle Police Department, an employee of the City of Seattle, and was
21 acting within the course and scope of his employment. All acts committed by Defendant
22 Clinton were done under color of the laws of the State of Washington and under the authority
23 of his position as a police officer with the Seattle Police Department.

24 6. Defendant Jacob W. Briskey is an individual residing in this jurisdiction. At
25 all times relevant hereto were acting in the scope and course of their employment as police

1 officers with the Seattle Police Department, an employee of the City of Seattle, and was
2 acting within the course and scope of his employment. All acts committed by Defendant
3 Briskey were done under color of the laws of the State of Washington and under the authority
4 of his position as a police officer with the Seattle Police Department.

5 7. Defendant Christopher G. Hall is an individual residing in this jurisdiction. At
6 all times relevant hereto were acting in the scope and course of their employment as police
7 officers with the Seattle Police Department, an employee of the City of Seattle, and was
8 acting within the course and scope of his employment. All acts committed by Defendant Hall
9 were done under color of the laws of the State of Washington and under the authority of his
10 position as a police officer with the Seattle Police Department.

11 8. Defendant Donnie Lowe is an individual residing in this jurisdiction. At all
12 times relevant hereto were acting in the scope and course of their employment as police
13 officers with the Seattle Police Department, an employee of the City of Seattle, and was
14 acting within the course and scope of his employment. All acts committed by Defendant
15 Lowe were done under color of the laws of the State of Washington and under the authority of
16 his position as a police officer with the Seattle Police Department.

17 9. Defendant John W. Crumb is an individual residing in this jurisdiction. At all
18 times relevant hereto were acting in the scope and course of their employment as police
19 officers with the Seattle Police Department, an employee of the City of Seattle, and was
20 acting within the course and scope of his employment. All acts committed by Defendant
21 Crumb were done under color of the laws of the State of Washington and under the authority
22 of his position as a police officer with the Seattle Police Department.

23 10. Defendant Thomas A. Umporowicz, Jr. is an individual residing in this
24 jurisdiction. At all times relevant hereto were acting in the scope and course of their
25 employment as police officers with the Seattle Police Department, an employee of the City of

1 Seattle, and was acting within the course and scope of his employment. All acts committed
2 by Defendant Umporowicz, Jr. were done under color of the laws of the State of Washington
3 and under the authority of his position as a police officer with the Seattle Police Department.

4 11. Plaintiff anticipates the possibility that there will be other individual
5 defendants, not currently known by name, who were employed by and/or were agents of the
6 City of Seattle and who bear liability for the allegations herein. Because plaintiff does not
7 currently know the names of all such individuals, they are identified in this complaint by the
8 pseudonyms John Does 1-10, and plaintiff may seek to amend this complaint to add them as
9 individual defendants as discovery and investigation progress.

10 12. Defendant City of Seattle is a governmental entity and a municipal corporation
11 operating in this judicial district. Among its departments is the Seattle Police Department,
12 which is responsible for traditional law enforcement activities within the City of Seattle.

13 **FACTUAL ALLGATIONS**

14 13. Plaintiff incorporates and re-alleges paragraphs 1 through 12 above.

15 14. In the late afternoon-early evening hours of May 1, 2013, May Day activist
16 were congregated around Pine Street in Seattle, Washington.

17 15. The named defendants and other members of Seattle Police Department
18 arrived at the location and directed the protesters to disperse.

19 16. Plaintiff Paul Novasky, who was not a member of the protesters, was waiting
20 at a bus station on Pine Street, near Eighth and Ninth Avenue, in Seattle, Washington.

21 17. Defendants confronted Paul Novasky and, without lawful cause, ordered him
22 out of the three sided bus shelter. As Paul Novasky reached for his bag, defendants grabbed
23 Paul Novasky, handcuffed him and threw him to the ground. Defendants slammed Paul
24 Novasky's face and head into the ground; further, he was unlawfully kicked and assaulted him
25 while he lay prone and defenseless on the street.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays that the Court award:

A. Compensatory, consequential and/or nominal damages in an amount to be proven at trial, in amounts sufficient to compensate Mr. Novasky for past and future medical expenses and other past and future costs of care, pain, suffering, disfigurement, emotional distress, loss of enjoyment of life, and other damages attendant to the physical and mental injuries caused by the defendants;

B. Punitive damages against the individual defendants, in an amount to be proven at trial;

C. Reasonable attorneys' fees, costs, and prejudgment interest incurred in pursuing this action as provided for in 42 U.S.C. § 1988; and,

D. Any such other relief that this Court deems just and equitable under the circumstances of this case.

Signed and dated this 26th day of, April, 2016.

By: s/ Kenneth M. Brown, Jr.
Kenneth M. Brown, Jr., WSBA # 3851
Law Office of Kenneth M. Brown Jr.
PO Box 17795
Seattle, WA 98127-1300
Telephone: (206) 623-6302
Fax: (206) 624-3865
E-mail: KMB@seanet.com

By: s/Jacqueline K. Walsh

Jacqueline K. Walsh, WSBA#21651
Law Office of Walsh & Larrañaga
705 Second Ave., Suite 501
Seattle, WA 98104
Telephone: (206) 325-7900
Fax: (206) 322-4305
E-mail: jackie@jamlegal.com

By: s/Mark A. Larrañaga

Mark A. Larrañaga, WSBA#22715
Law Office of Walsh & Larrañaga
705 Second Ave., Suite 501
Seattle, WA 98104
Telephone: (206) 325-7900
Fax: (206) 322-4305
E-mail: mark@jamlegal.com

Attorneys for Plaintiff Paul H. Novasky